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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,029	11/07/2001	Roger Wayne Davies	9013-36	9634

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EXAMINER	
AKHAVAN, RAMIN	
ART UNIT	**PAPER NUMBER**
1636	6

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FILE

Office Action Summary	Application No.	Applicant(s)	
	09/936,029	DAVIES ET AL.	
	Examiner	Art Unit	
	Ray Akhavan	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/01/2001* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-44* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121 and 372. This application contains the following inventions or group of inventions that are not so linked as to form a single inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, in response to this action applicant is required to elect a single invention to which the claims must be restricted. The groups are as follows:

I. Claims 1-17 and 34-36, drawn to a method of treating neurodegenerative a disorder, including preventing, delaying or inhibiting nervous system degeneration, using PKCγ type I.

II. Claims 18-31, drawn to a method of testing animals for mutation in the PKCγ gene.

III. Claim 32-33, drawn to a method of producing animal models.

IV. Claim 37, drawn to a method of identifying compounds for treatment of neurodegenerative disorders.

V. Claims 38-42, drawn to compositions of antibodies against PKCγ polypeptide epitopes.

VI. Claim 43, drawn to a method of treatment using antibodies against PKCγ, to prevent, delay, or inhibit degeneration of the nervous system.

VII. Claim 44, drawn to a method of diagnosis of neural degenerative disorders in humans, using antibodies against PKCγ.

Applicant is allowed the first appearing composition (i.e. Group V), first appearing method of using said composition and method of making said composition. Therefore if applicant elects group V, then groups VI be included in examination. The inventions listed in Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1, because there is no unity of invention under PCR Rule 13.2 which states that unity of invention exists

only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features (i.e. technical features that define a contribution which each of the inventions considered as a whole makes over the prior art). The inventions listed above lack the same or corresponding technical features for the following reasons:

Group I and II do not share a special technical feature because the former is drawn to a method of treatment while the latter is drawn to a method of testing for a mutation in PKCγ gene. There is no shared special technical feature between Groups I and II, because the special technical feature in group one would be the steps involved in treating, while the special technical feature in Group II is identification of a mutation which is wholly separate from steps that would be required in treatment.

The special technical feature of Group III is production of animal models, which would not be required for the method of treatment in Group I, nor the method of identifying gene mutations in Group II.

Group IV's special technical feature is of identifying compounds for treatment of neurodegenerative disease, which may or may not be capable of use in the method of treatment of Group I. The method of identifying such compound would not in and of itself be necessary to practice either Group I, II or III as there is not a shared special technical feature .

Group V is drawn to antibodies raised against PKCγ epitopes. This is not an advancement over the art, as it is commonly known in the art that once a polynucleotide sequence – thus polypeptide sequence – is known, it would be remedial to produce antibodies to said peptide or fragments thereof.

Group VI or VII do not share a special technical feature with any of the preceding groups nor between each other. The former is directed to the special technical feature of treating nervous system degeneration using antibodies of Group V that would inherently involve steps and applications (e.g., *in vivo*) different from those that would inhere in Group VII (e.g., *in vitro*). Furthermore neither Group VI nor VII shares any special technical feature with the methods of Groups I-IV. As noted above, if Group V were elected then either Group VI would be included in granting applicant the first appearing composition and the first appearing method of use.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR .17(i).

Conclusion

Claims are subject to restriction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ray Akhavan whose telephone number is 703-305-4454. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, Ph.D. can be reached on 703-305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1123.